

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE WASHINGTON MUTUAL  
MORTGAGE BACKED SECURITIES  
LITIGATION

This Document Relates to: ALL CASES

Master Case No. 2:09-cv-00037-MJP

## **CLASS ACTION**

**STIPULATION, AGREED MOTION  
AND ORDER APPROVING THE  
FORM AND METHOD FOR  
DISTRIBUTION OF NOTICE OF  
PENDENCY OF CLASS ACTION**

## **NOTE ON MOTION CALENDAR:**

April 27, 2012

## **STIPULATION AND AGREED MOTION**

On March 11, 2011, Lead Plaintiffs Doral Bank of Puerto Rico and Policemen’s Annuity and Benefit Fund of the City of Chicago and Plaintiff Boilermakers National Annuity Trust (collectively, “Plaintiffs”) filed their Motion for Class Certification (ECF No. 223). In an Order dated October 21, 2011 (ECF No. 345), the Court certified the following Class of entities and persons who purchased WaMu Mortgage–Pass Through Certificates (“WaMu MBS Certificates”):

All persons or entities who purchased or otherwise acquired the following WaMu Mortgage-Pass Through Certificates: 2006 AR-7 tranche 2A; 2006 AR-12 tranche 1A1; 2006 AR-16 tranches 2A1, LB1, LB2, LB3, 3B1, 3B2, and 3B3; 2006 AR- 17 tranche 1A; 2006 AR-18 tranche 2A1; and 2007-HY1

**STIPULATION, AGREED MOTION AND ORDER APPROVING  
THE FORM AND METHOD FOR DISTRIBUTION OF NOTICE  
OF PENDENCY OF CLASS ACTION - 1  
(No. 2:09 CV 0037 MJP)**

4898/001/255106.1

**TOUSLEY BRAIN STEPHENS PLLC**  
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tranches 1A1 and 3A3 (“WAMU Bonds”) on or before August 1, 2008 pursuant and/or traceable to their Registration Statements and accompanying Prospectuses filed with the Securities and Exchange Commission (“Offering Documents”) and who were damaged thereby.

The parties have conferred and have agreed upon the form and method of distribution of the Notice of Pendency of Class Action (“Notice”), annexed hereto as Exhibit A, and the Summary Notice of Pendency of Class Action (“Summary Notice”), annexed hereto as Exhibit B. The parties believe that the form, substance, and requirements of the Notice and Summary Notice comply with the requirements of Fed. R. Civ. P. 23(c)(2)(B) and due process.

Plaintiffs have engaged Garden City Group, Inc. (“Garden City Group”), an experienced class action claims administrator, to publish, disseminate and administer the proposed method of notifying the Class of the pendency of this class action (the “Notice Program”).

The Notice Program is as follows:

1. Within thirty (30) days of receipt of a copy of this Order, Garden City Group will mail the Notice by First Class mail to all persons or entities that have been previously identified by Plaintiffs in discovery as custodians, nominees and beneficial holders of the WaMu MBS Certificates.

2. Brokerage firms, banks, nominees, or any other persons or entities who purchased or otherwise acquired the WaMu MBS Certificates on behalf of a beneficial holder shall, within fourteen (14) days of receipt of the Notice, either provide Garden City Group with a list of the names and addresses of such beneficial holders, or directly mail the Notice by First Class mail to such beneficial holders. If such brokerage firms, banks, or nominees provide Garden City Group with a list of beneficial holders, Garden City Group shall mail the Notice by First Class mail to all beneficial holders identified by any brokerage firm, bank, or nominee within fourteen (14) days of receipt of such information.

3. Garden City Group will provide printed Notices to all custodians or nominees who request additional copies (at no cost) for the purpose of mailing them to beneficial holders.

4. Within thirty (30) days of the entry of this Order, Garden City Group shall cause to be published the Summary Notice, substantially in the form attached hereto as Exhibit B, in Investors' Business Daily, which will provide class members with a toll free hotline number and information on how to obtain the Notice. Within forty-five (45) days of the entry of this Order, Class Counsel shall file proof of publication of the Summary Notice with the Court.

5. Within thirty (30) days of the entry of this Order, Class Counsel shall make the Summary Notice available on the DTC Electronic Legal Notice system.

Dated: April 30, 2012

Respectfully submitted,

## **TOUSLEY BRAIN STEPHENS PLLC**

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**STIPULATION, AGREED MOTION AND ORDER APPROVING  
THE FORM AND METHOD FOR DISTRIBUTION OF NOTICE  
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(No. 2:09-CV-0037-MJP)**

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**STIPULATION, AGREED MOTION AND ORDER APPROVING  
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15                  *Attorneys for Defendants WaMu Asset*

16                  *Acceptance Corp. and*

17                  *WaMu Capital Corp.*

## ORDER

1. The Court finds, pursuant to Fed. R. Civ. P. 23(c)(2)(B), that the proposed Notice Program constitutes the best notice practicable under the circumstances and comports with due process, and hereby approves the Notice Program and forms of Notice and Summary Notice, annexed as Exhibits A and B hereto.

2. Class members shall be bound by all orders, determinations and judgments in this action, whether favorable or unfavorable unless such persons demand exclusion from the Class in a timely manner and in accordance with the requirements set forth in the Notice. Class members who seek to be excluded from the Class shall have 60 days from the date of the Notice to postmark a request for exclusion as set forth in the attached Notice.

3. Class members who demand exclusion from the Class shall not be bound by any orders, determinations and judgments in this action, whether favorable or unfavorable.

## IT IS SO ORDERED.

Dated: April 30, 2012.

  
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Marsha J. Pechman  
United States District Judge

**STIPULATION, AGREED MOTION AND ORDER APPROVING  
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